

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The Acting State Superintendent of Education, pursuant to the authority set forth in Section 3(b) (11) of the District of Columbia State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§38-2602 (b) (11) (2008 Supp.), hereby gives notice of the intent to amend Title 5, Chapter 22, of the *District of Columbia Municipal Regulations* (DCMR), entitled “Grades, Promotion, and Graduation” as provided herein, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposal is to revise Title 5, Section 2203 of the DCMR entitled “Graduation: Academic Requirements.” The proposed regulation makes biology a required lab science for graduation, for students beginning 9th grade in school year 2009-2010. The proposal does not affect any other graduation requirements currently in place and applicable to students in the District of Columbia Public Schools and public charter schools in the District of Columbia.

Title 5 DCMR, Chapter 22, Section 2203 is amended to add a new paragraph (d) to subsection 2203.1 to read as follows:

- (d) For all students entering the 9th grade beginning school year 2009-2010, one of the three lab science units, required by paragraph (a) of this subsection, shall be a course in Biology.

Persons wishing to comment on these proposed rules should submit their comments in writing to the Office of State Superintendent of Education, 441 4th Street, NW, Room 350N, Washington, D.C. 20001, Attn: Alex Harris. All comments must be received by the Office of the State Superintendent of Education not later than thirty (30) days after publication of this notice in the *DC Register*. The proposed rulemaking amendment and related information may also be obtained on the Office of the State Superintendent website at osse.dc.gov; or by contacting the Office of the State Superintendent of Education in writing or calling (202) 727-6436.

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Office of Tax and Revenue (OTR), pursuant to the authority set forth in the D.C. Official Code § 47-885, as amended by Section 155 of the District of Columbia Appropriations Act 2001, approved November 22, 2000 (114 Stat. 2476; Pub. L. 106-522) and the Office of the Chief Financial Officer, Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of its intent to adopt rules amending section 331.4 of Chapter 3 to Title 9 of the District of Columbia Municipal Regulations (DCMR) and section 332.5 of Chapter 3 of Title 9 DCMR.

With respect to 9 DCMR § 602.7, OTR's intent is to clarify and foster uniform application of transfer and recordation taxes when the consideration is higher than the nominal value. OTR will continue to assess transfer and recordation taxes on the actual consideration paid when sales price of property is above nominal value. Additionally, this amendment will make 9 DCMR § 602.7 consistent with D.C. Official Code §§ 47-903(a)(1) and 42-1103(a)(1)(A) which provide that the imposition of transfer and recordation tax is imposed on the on the consideration paid when such consideration is not nominal.

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Amendment

Section 602.7 of Chapter 6 of Title 9 DCMR is amended by striking the phrase "and the transfer tax shall be based on the higher of the assessed value or sales price".

Comments on this proposed rulemaking should be submitted in writing to Aaishah Hashmi, Assistant General Counsel, General Counsel Office, Office of Tax and Revenue, 941 North Capitol Street, N.E., 8th Floor, Washington, DC 20002, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of this rule and related information may be obtained by writing to the person at the address stated herein.

DEPARTMENT OF YOUTH REHABILITATION SERVICES

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Youth Rehabilitation Services, pursuant to Mayor's Reorganization Plan No. 3 of 1986, and in accordance with the D.C. Official Code, Title 2, Chapter 15, Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515), hereby gives notice of the intent to amend sections 1200 through 1211 of Chapter 12 (Community Placement of Juvenile Offenders) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), and to add a new section 1299 to add definitions. The Director also gives notice of the intent to take final rulemaking action to adopt this amendment in no less than fourteen (14) days from the date of publication of this notice in the D.C. Register. There is good cause for an abbreviated comment period based upon the Department of Youth Rehabilitation Services previously publishing a Notice of Proposed Rulemaking for Title 29, Chapter 12 of the D.C. Municipal Regulations on April 3, 2009 and providing a thirty-day comment period. During that time, DYRS received comments from the Public Defender Services, Georgetown University Law Center and ParentWatch, Inc. Given that the Department of Youth Rehabilitation Services has received comments from the necessary stakeholders and do not anticipate comments from other entities, an abbreviated comment period is appropriate. Furthermore, the stakeholders have the opportunity to provide additional comments to the modifications found in this document.

The purpose of these amendments is to make changes to the process for reviewing and, if necessary, modifying and/or rescinding a youth's community placement status. These amendments clarify how to initiate the community status review process, the manner in which Community Status Review Hearings are conducted, and the procedure for appealing a decision. These amendments incorporate the phrase "community status review" rather than "revocation" because it better reflects that the objective of a hearing is to review the youth's community placement and that removal from a placement is not automatic.

Sections 1200 through 1211 of Title 29 DCMR are amended to read as follows:**1200 GENERAL PROVISIONS**

- 1200.1 The Department of Youth Rehabilitation Services (DYRS), shall administer community service programs for delinquents and persons-in-need-of-supervision (PINS) who are committed to the legal custody of DYRS by the D.C. Superior Court.
- 1200.2 The provisions of this chapter apply to the supervision and treatment of youth in community placements including: group homes, therapeutic group homes, the youth's own home, a foster home, or similar community placement.

- 1200.3 DYRS retains jurisdiction over the community placement status of youth committed to the agency's custody until one (1) of the following occurs:
- (a) The commitment is terminated by DYRS;
 - (b) The commitment expires; or
 - (c) The Court terminates its jurisdiction.
- 1200.4 DYRS shall have sole discretion to make specific placement decisions for youth committed to its custody. In the Matter of J.M.W., 411 A.2d 345 (D.C. 1980) and In Re P.S., 821 A.2d 905 (D.C. 2003).
- 1200.5 The community placement program shall be an alternative to a secure facility. The program consists of placing youth in the least restrictive environment consistent with public safety while being closely supervised by trained DYRS staff.
- 1200.6 Not all youth will benefit from a community placement, and a certain number will commit additional offenses or breaches of their Community Release Agreement that warrant a thorough review of their community status.
- 1200.7 This chapter establishes a review process to determine whether a youth has violated a Community Release Agreement and, if so, whether continued community placement best services the youth's needs and public safety.
- 1200.8 DYRS shall follow the procedures set forth in this chapter when reviewing a youth's community placement.
- 1200.9 This chapter sets forth the process for:
- (a) Reviewing the status of youth in community placement; and
 - (b) Determining whether to place a youth in a secure facility or another more restrictive placement; or
 - (c) Permitting the youth to remain in the community under conditions articulated in a revised Community Release Agreement.
- 1200.10 A youth and/or guardian who is non-English speaking, deaf, or because of a hearing or other communications impediment cannot readily understand or communicate the spoken English language may apply to the agency for the appointment of a qualified interpreter.

- 1200.11 The agency's decision whether to appoint or not appoint a qualified interpreter does not provide the youth or guardian any rights or remedies not otherwise available by law.

1201 COMMUNITY RELEASE AGREEMENTS

- 1201.1 Department of Youth Rehabilitation Services (DYRS) shall place youth in a community status after a determination that he or she will benefit most from the least restrictive environment consistent with public safety, and with D.C. Official Code § 2-1515.01 *et seq.*, and § 16-2301.02.

- 1201.3 Each youth shall adhere to the specific terms of Community Release Agreements. The terms include, but are not limited to, the following:

- (a) Attending school or work regularly;
- (b) Meeting curfews;
- (c) Refraining from the illegal use of controlled substances;
- (d) Complying with all federal, state and local laws, rules and regulations; and
- (e) Abiding by all court orders and directives of DYRS case management staff.

- 1201.4 The DYRS Case Worker shall thoroughly explain the terms of the agreement with the youth and the youth shall sign the Community Release Agreement as a condition of DYRS placing the youth in the community.

- 1201.5 The Case Worker shall make reasonable efforts to discuss the agreement with the youth's family and/or counsel of record.

- 1201.6 Counsel of record or alternate counsel may sign the Community Release Agreement after consultation with the youth if the guardian is unavailable. Counsel shall not be called as a witness against the youth if the youth is later alleged to have violated the agreement.

- 1201.7 Where the youth's community placement is a private residence, the DYRS Case Worker shall thoroughly explain the terms of the agreement with the youth and his or her guardian.

- 1201.8 The youth and a guardian shall sign the Community Release Agreement as a condition of DYRS placing the youth in a private residence.

1201.9 DYRS shall not place a youth in a private residence unless both the youth and a guardian sign the agreement.

1201.10 The youth shall sign a Community Release Agreement when the level of restrictiveness is lowered.

1201.11 Failure to comply with terms of the Community Release Agreement may result in the youth being placed in an alternative community placement and/or youth's community placement being rescinded.

1202 RESCISSION OF COMMUNITY PLACEMENT STATUS

1202.1 DYRS shall hold youth, who have entered into a Community Release Agreement, accountable for behavior contrary to public safety or the terms of the Community Release Agreement.

1202.2 DYRS shall initiate a review of the youth's community placement status within three (3) business days and shall convene a Community Status Review Hearing when DYRS becomes aware that a committed youth has been charged for the commission, attempted commission, or conspiracy to commit any of the following:

- (a) Homicide, attempted homicide, or assault with intent to commit homicide;
- (b) Sexual abuse in the 1st or 2nd degree, forcible rape, attempted forcible rape, assault with intent to commit forcible rape, or sodomy;
- (c) Robbery while armed, attempted robbery while armed, robbery, attempted robbery, assault with intent to commit robbery while armed;
- (d) Carjacking;
- (e) Armed Carjacking;
- (f) Burglary;
- (g) Kidnapping;
- (h) Arson;
- (i) Assault with intent to kill;

- (j) Malicious disfigurement;
- (k) Manslaughter;
- (l) Mayhem; or
- (m) Murder.

1202.3 DYRS shall initiate a review of the youth's community status within three (3) business days and may convene a Community Status Review Hearing if:

- (a) DYRS becomes aware that a youth has violated two or more terms of their Community Release Agreement;
- (b) DYRS becomes aware that a youth has violated a term of their Community Release Agreement at least twice;
- (c) DYRS becomes aware that a youth has unjustifiably absconded from the placement specified in the Community Release Agreement; or
- (d) DYRS Case Worker determines, based upon on a complete evaluation of the youth's performance under the Community Release Agreement, that he or she should initiate the Community Status Review process.

1203 COMMUNITY STATUS REVIEW

1203.1 The DYRS Case Worker responsible for the youth who is arrested and charged with any criminal offense cited in subsection 1202.2, shall process the documentation for a Community Status Review Hearing within three (3) business days of notification of the arrest or latest violation.

1203.2 During the three (3) business days mentioned in subsection 1203.1, the DYRS Case Worker shall complete all documentation, including a recommendation for the Community Status Review Hearing, and meet with the appropriate supervisor.

1203.3 The DYRS Case Worker Supervisor or designee shall review services provided to the Youth and the basis for the Case Worker's recommendation.

1203.4 The DYRS Case Worker Supervisor or designee, after his or her review, may recommend:

- (a) The DYRS Case Worker implement additional services;
 - (b) A Youth/Family Team Meeting; or
 - (c) The youth's status be reviewed at a Community Status Review Hearing.
- 1203.5 The DYRS Case Worker Supervisor or designee shall send the documentation to the Case Management Division Program Manager explaining the decision to convene a Community Status Review Hearing within one (1) business day of the DYRS Case Worker completing the documentation and meeting with the appropriate supervisor. The DYRS Case Worker shall place the documentation in the youth's case file.
- 1203.6 The DYRS Case Worker Supervisor or designee shall transmit all of the documentation to the Case Management Division Program Manager. This documentation shall detail the circumstances of the arrest, charges, or violations of the Community Release Agreement including:
- (a) The date and time of the offense(s) or violation(s);
 - (b) The report of the arresting officer, if applicable;
 - (c) The nature and seriousness of the charge(s), arrest or violation(s);
 - (d) The progress of the youth in community placement before the offense or violation took place;
 - (e) A copy of the Community Release Agreement with required signatures; and
 - (f) The Case Worker's effort to identify and secure additional or alternative services that might be provided to the child in the community.
- 1203.7 If a police report is provided, it shall also be included in the transmitted documentation. If a police report was not written, the documentation shall indicate the source of the information on which the Case Worker is relying.
- 1203.8 All documentation shall be delivered to the Case Management Division Program Manager or designee. No more than four (4) business days should pass between the time DYRS is informed of the charge or violation and transmitting the documentation to the Case Management Division Program Manager or designee.

1203.9 Unless the delay would result in undue prejudice to the youth, a failure of DYRS to meet any of the timelines established herein shall not be the sole reason affecting the decision or ability to conduct a community status review.

1204 EMERGENCY REMOVALS

1204.1 The following procedures shall apply to Emergency Removals Without Youth's Consent:

- (a) The DYRS Case Worker shall remove the youth from his or her placement, and place the youth in a secure DYRS facility, emergency shelter, in-patient drug treatment or appropriate medical or mental health facility when a youth in a community placement presents a clear and present danger to himself, herself or others, and requires immediate removal from a non-secure placement.
- (b) The DYRS Case Worker shall request a custody order from the court for the youth so that the Metropolitan Police Department ("MPD") has the authority to take the youth into custody if the youth is unwilling to be removed by the Case Worker.
- (c) The Case Worker shall provide the Chief of Committed Services or designee with a summary of the basis for the youth's removal.
- (d) The Chief of Committed Services or designee shall make an independent probable cause determination based on the Case Worker's documentation within one (1) business day of the youth being removed.
- (e) The Community Status Review Hearing shall convene within five (5) calendar days of a youth's emergency removal if the Chief of Committed Services or designee determines that there is probable cause to believe that the youth violated the terms of his or her Community Release Agreement and that he or she is a clear and present danger and requires immediate removal from a non-secure placement. If the fifth calendar day is a Sunday or legal holiday, the hearing shall convene the next business day.
- (f) DYRS shall return the youth to his or her community placement if the Chief of Committed Services or designee determines that there is no probable cause to securely confine the youth.
- (g) The Case Worker may request a Community Status Review

Hearing in accordance with subsection 1202.3, in cases where there is a no probable cause determination.

- (h) DYRS shall provide notice of the Community Status Review Hearing to the youth and counsel of record, or if counsel of record is unavailable, then alternate counsel, in any manner reasonably calculated to put the receiving party on notice.
- (i) DYRS shall make all reasonable efforts to provide notice to the guardian(s).
- (j) Notice may include, but is not limited to, actual notice, notice left on answering machine, by telephone, electronic mail, facsimile, or notice hand-delivered to the office of the counsel of record, or alternate counsel and to the guardian's home in addition to the forms of notice in subsection 1207.4.
- (k) DYRS shall make a note in the youth's case file, and signed by the individual who provided the notice, if the notice is made via telephone, answering machine, electronic mail, facsimile or hand-delivery.
- (l) DYRS shall notify the Office of the Attorney General, Juvenile Section of the emergency removal and the date and time of the hearing.
- (m) DYRS may continue the hearing for up to an additional five (5) business days if the counsel of record and alternate counsel are unavailable at the date and time for which the hearing is scheduled.

1204.2 The following procedures shall apply to Emergency Removals with the Youth's Consent:

- (a) If a youth in a community placement presents a clear and present danger and requires immediate removal from a non-secure placement, or pending a transfer to a new placement, DYRS may remove the youth to another placement upon the youth's written consent after having the opportunity to consult with counsel of record, or alternate counsel, if counsel is unavailable.
- (b) If a youth is removed from his or her community placement pursuant to subsection 1204.2 (a), and is admitted to an in-patient drug, medical, mental health facility or similar in-patient facility for treatment, the Community Program Specialist, the youth, and guardian or counsel of record, or if the youth's counsel is unavailable, alternate counsel, shall sign a written consent agreeing

to waive a Community Status Review Hearing.

- (c) The Case Worker shall place the consent form, waiving the right to have a hearing and signed by the youth or youth's counsel, in the youth's case file.
- (d) Upon the youth's discharge from the facility, the youth shall:
 - (1) Return to the placement he or she enjoyed immediately prior to the treatment; or
 - (2) Return to a placement with the same or lower level of restrictiveness.
- (e) A youth's community placement is not revoked.

1205 RECOMMENDATION OF CASE MANAGEMENT DIVISION PROGRAM MANAGER

- 1205.1 A Case Management Division Program Manager or designee shall review the request for Community Status Review Hearing and accompanying documents, and make an independent decision regarding the need for a hearing.
- 1205.2 If the Case Management Division Program Manager or designee concurs with the basis for convening a Community Status Review Hearing, he or she may recommend to the Chief of Committed Services that there is a sufficient basis to schedule a Community Status Review Hearing.
- 1205.3 If the Case Management Division Program Manager or designee disagrees with the basis for initiating the Community Status Review Hearing, she or he may use discretion to request that the Case Worker convene a Youth/Family Team meeting or make referrals for the youth for alternative community services.
- 1205.4 The Case Management Division Program Manager or designee shall document the basis for the conclusion that she or he reaches under § 1205 and shall include that documentation in the youth's case file.

1206 RECOMMENDATION OF DYRS CASE MANAGEMENT DIVISION

- 1206.1 The final decision to schedule a Community Status Review Hearing shall be made by the Chief of Committed Services or designee. After receiving the recommendation from the Case Management Division Program Manager or designee, the Chief of Committed Services or designee shall

make a determination. The youth's case file shall include a memorandum identifying the reason(s) for the decision taken.

1206.2 If the Chief of Committed Services or designee concurs, he or she shall contact the Community Program Specialist or designee the same business day and follow the procedures set forth in §§ 1207, 1208, 1210 and 1211.

1206.3 If the Chief of Committed Services or designee disagrees, the Chief shall notify the Office of the Attorney General, the youth and the youth's counsel. After consultation, the Chief may use his or her discretion to require the Case Worker to convene a Youth/Family Team Meeting or implement alternative community services.

1207 NOTICE OF COMMUNITY STATUS REVIEW HEARING

1207.1 After receiving the recommendation of the Chief of Committed Services or designee, an official notice of the time, place and location of the Community Status Review Hearing shall be sent to the youth, the youth's parent(s) or guardian(s), and counsel of record, or alternate counsel, if counsel is unavailable, by the Community Program Specialist.

1207.2 The Community Program Specialist or designee shall also send a copy of the police report, if applicable, the Community Release Agreement, the DYRS Case Worker's recommendation, the decision to proceed with the hearing, progress reports and Youth/Family Team meeting reports.

1207.3 Upon request of the youth, the counsel of record or alternate counsel may review the youth's case file in accordance with D.C. Official Code §§ 2-1515.06, 16-2332, and 16-2333.

1207.4 The notice to those specified in subsection 1207.1 may be made in any manner reasonably calculated to put the receiving party on notice of the hearing, and may include, but is not limited to actual notice, notice by hand-delivery, electronic mail, facsimile, registered or certified mail, or overnight express delivery, return receipt requested.

1207.5 If notice is by hand-delivery, electronic mail or facsimile a note shall be made in the youth's case file and signed by the individual who served the notice.

1207.6 DYRS shall retain the receipt that notice was sent or other confirmation in the record as proof of proper notification.

1207.7 Notice of any Community Status Review Hearing shall be sent to the Juvenile Section Chief for the Office of the Attorney General when:

- (a) The youth is already committed to DYRS for any felony offense as defined in D.C. Official Code § 23-1331(3) or D.C. Official Code § 23-1331(4); or
- (b) The youth has been charged with any felony offense as a juvenile or as an adult as defined in D.C. Official Code § 23-1331(3) and D.C. Official Code § 23-1331(4);

1208 FAILURE TO APPEAR AT A HEARING AND ABSCONDENCE

- 1208.1 After receiving notice, in accordance with § 1207, if the youth fails to appear at the stated time and place, for a Community Status Review Hearing the DYRS Care Manager responsible for the youth shall do the following:
- (a) Ask the Absconder's Unit (MPD) to request a court order for the apprehension and return of the youth to the appropriate facility for failing to comply with official notice to appear at a given time and location;
 - (b) Note in the next progress report on the youth that the failure to appear for the scheduled hearing constitutes a violation of the Community Release Agreement; and
 - (c) Begin intensive efforts to locate the youth and return him or her to the appropriate facility. The DYRS Case Manager may ask for police assistance in apprehending the youth.
- 1208.2 After having received notice, in accordance with § 1207, if a youth fails to appear at the stated time and place for a Community Status Hearing, the panel shall proceed.
- 1208.3 If the panel proceeds with a hearing and rescinds the youth's community status, upon the youth's return the youth shall be held securely for up to five (5) business days pending a second Community Status Review Hearing.
- 1208.4 The time limitations imposed by subsections 1202.2 and 1202.3 shall be tolled by the youth's failure to appear for the scheduled hearing.
- 1208.5 If a youth absconds from a DYRS community placement, the DYRS Case Worker shall inform the Chief of Committed Services or designee and request a custody order.
- 1208.6 Upon the youth's return to custody from abscondence, the DYRS Case Worker shall determine whether or not the youth's community status

should be reviewed at a hearing. If the youth is returned to DYRS after an arrest on a new charge, the Case Worker may take into account the decision of the Court concerning release status with respect to any new charges.

- 1208.7 If the Case Worker determines that the youth should return to his or her community placement, the Case Worker shall determine whether to request a Community Status Review Hearing.
- 1208.8 If the Case Worker determines that the youth who had absconded should be held in secure custody, the Case Worker shall provide the Chief of Committed Services or designee with documentation in support of his or her recommendation that the youth be securely held.
- 1208.9 The Chief of Committed Services or designee shall make an independent probable cause determination within one (1) business day, based on the Case Worker's documentation.
- 1208.10 If the Chief of Committed Services or designee determines that there is probable cause to believe that the youth violated the terms of his or her Community Release Agreement and that he or she is a clear and present danger and requires immediate removal from a non-secure placement, DYRS shall conduct the Community Status Review Hearing within five (5) calendar days of the youth's return from abscondence. If the fifth calendar day is a Sunday or legal holiday, the hearing shall convene the next business day.
- 1208.11 If the Chief of Committed Services determines that there is no probable cause to securely confine the youth, DYRS shall return the youth to his or her community placement.
- 1208.12 In cases where there is a no probable cause determination, the Case Worker may request a Community Status Review Hearing in accordance with subsection 1202.3.
- 1208.13 The Chair of the Community Status Review Panel shall provide notice of the time, place and location of the Community Status Review Hearing to the youth, guardian(s), and counsel of record, consistent with § 1207.

1209 HEARING UPON YOUTH'S RETURN FROM ABSCONDENCE

- 1209.1 In those cases where the youth was not present at the scheduled Community Status Review Hearing and the hearing proceeded in his or her absence, the youth may request a second hearing within seventy-two (72) hours of his or her return.

- 1209.2 The post-custody hearing shall occur within five (5) calendar days of the youth's request of a second hearing upon his or her return if the youth is securely detained pursuant to §§ 1204 or 1208. If a youth is not securely detained, a post-custody hearing shall occur within a reasonable amount of time.
- 1209.3 Proper notification pursuant to § 1207 shall be sent to the youth's guardian(s), and counsel of record indicating the date, time and place of this hearing.
- 1209.4 All conditions of §§ 1208, 1210 and 1211 shall apply to this hearing.

1210 COMMUNITY STATUS REVIEW HEARINGS

- 1210.1 All hearings shall be held at the time, place and location shown on the notice to appear before the Community Status Review Hearing form, unless otherwise notified.
- 1210.2 The Community Status Review Panel shall consist of three (3) DYRS staff, including the Community Program Specialist or designee from the Judicial Processing Unit, from the Department of Youth Rehabilitation Services.
- 1210.3 Each panelist shall be drawn from DYRS staff with at least two (2) years of experience in the direct care of youth and trained in community review policies and procedures. Case Managers/Workers are not permitted to be on the panel.
- 1210.4 No one shall serve on the panel who is in anyway involved with the case being heard or has worked with the youth whose community status is being reviewed. This includes facility staff who have worked with the youth.
- 1210.5 The youth may be represented at the hearing by parents, legal counsel, or any other person whom the youth may designate.
- 1210.6 DYRS employees, contractors or agents are prohibited from representing a youth.
- 1210.7 At the hearing, the panel shall inform the youth of his or her right to have counsel of record present, alternate counsel, parent, guardian, or other representative with him or her.
- 1210.8 The youth, counsel of record, or other representative for the youth is permitted, after consulting with the youth, one (1) brief continuance. All subsequent continuances shall not be provided absent a showing of good

cause or extreme hardship.

- 1210.9 Except as set forth in subsection 1210.10, the panel shall not be responsible in any way for providing witnesses on behalf of the youth whose case is being heard.
- 1210.10 Upon adequate notification by the youth that a witness' presence is necessary, DYRS shall bring a witness within DYRS' control, including youth committed to its care, to the review hearing.
- 1210.11 The youth may bring any other witnesses to the hearing who may assist in putting forth his or her position.
- 1210.12 The youth may question any witnesses or challenge any documents.
- 1210.13 Only evidence that is material to the charges or violations that have made the hearing necessary shall be admitted at the hearing.
- 1210.14 The Community Status Review Panel shall not interview or question the youth about substantive matters concerning any pending criminal or delinquency matters.
- 1210.15 Any information unrelated to the charges or violations shall be disregarded by the panel in reaching its decision about whether the community status should be continued or revoked.
- 1210.16 The panel may consider information unrelated to the charges or violations in its decision on the level of restrictiveness.
- 1210.17 After all testimony has been heard and evidence presented, the panel shall retire to weigh the evidence and statements, and reach a decision.
- 1210.18 The preponderance of the evidence shall be the standard of proof the panel shall use in weighing testimony and other evidence about the charges or violations.
- 1210.19 The Community Status Review Panel shall notify the counsel of record of all hearings where counsel is not present or counsel's presence is waived.

1211 HEARING DECISION, DISPOSITION AND APPEAL

- 1211.1 All hearing decisions shall be read to the youth in the hearing room and the Chair of the Community Status Review Panel or designee shall provide the written findings to the youth, his or her parent(s) or guardian(s), and attorney of record or alternate counsel, and the Chief of the Juvenile Section of the Office of Attorney General within five (5)

business days of its issuance.

- 1211.2 If the decision of the panel is to continue the community status, the youth shall be returned to the same placement he or she enjoyed before the hearing was held under either the conditions of the existing Community Release Agreement or conditions of a new agreement, consistent with subsection 1202.3.
- 1211.3 The panel may decide to permit the youth to remain in the community, but under different conditions spelled out in a new Community Release Agreement, consistent with subsection 1202.3.
- 1211.4 If the decision of the Community Status Review Panel is to terminate the youth's community status, the panel shall determine the youth's level of restrictiveness.
- 1211.5 The Case Worker shall make efforts to identify an appropriate placement, consistent with the youth's level of restrictiveness, and make appropriate referrals within a reasonable time after the Community Status Review Hearing.
- 1211.6 The panel, youth, and attorney of record, alternate counsel, or representative may seek to resolve the case by stipulation, agreed settlement, or consent order.
- 1211.7 The youth may appeal the results of the Community Status Review Hearing, to the DYRS Director within seven (7) business days from receipt of the Community Status Review Panel's written findings.
- 1211.8 The DYRS Director shall review the request for appeal and make a final written determination within ten (10) business days.
- 1211.9 The DYRS Director's final written determination may be appealed to the appropriate venue for review.

A new section 1299 is added to read as follows:

29-1299 DEFINITIONS

- 1299.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:
- “**Business day**”- a day of the week consisting of Monday through Friday, and excludes Saturday, Sunday, any legal holiday, or inclement weather that results in a day in which the Court is closed. In addition, a business day is calculated beginning on the day after the triggering event occurs.

“Case Management Division Program Manager”- a DYRS employee who supervises the Case Management Unit in the Committed Services Administration. The Program Manager supervises all of the managers who supervise DYRS Case Workers.

“Chief of Committed Services”- a DYRS employee who supervises the Committed Services Administration, which includes the Oak Hill Youth Center, the Case Management Division, the Judicial Processing Unit, and the Community Residential Programs Unit.

“Clear and Present Danger”- the absence or lack of basic necessities such as food, shelter, or clothing; suicidal actions, tendencies or threats of suicide; serious de-compensating emotional character and mental health; seriously destructive behavior creating an imminent danger to one’s life or health; or engaged in abusive or threatening, or other dangerous conduct thereby creating an imminent danger to self or others.

“Community Release Agreement”- an agreement between the youth and DYRS, that the youth and his/her guardian will agree to certain rules in exchange for being released to the community. This agreement was formerly called an aftercare agreement.

“Community Placement or Community Status”- a status conferred upon a youth who has been committed to the legal custody of DYRS and housed in the community in a non-secure placement.

“Community Status Review Hearing”- an administrative process to evaluate recommendations for modifying a youth’s community placement.

“Community Status Review Panel”- a group of impartial DYRS employees who are responsible for reviewing the community placement status of a youth.

“Community Program Specialist”- a DYRS employee responsible for scheduling Community Status Review Hearings and is the Chair as well as a member of the Community Status Review Panel.

“DYRS Case Worker”- a DYRS employee who provides case management services to a case load of youth committed to DYRS by the courts.

“DYRS Case Worker Supervisor”- a DYRS employee who supervises a unit of four to six DYRS Case Workers.

“Emergency Removal”- immediate removal from the community and

subsequent placement in a more restrictive setting after a determination has been made that the youth presents a clear and present danger to himself or others.

“Guardian”- a natural or adoptive parent whose parental rights have not been judicially terminated, a person appointed by the court, or legal custodian.

“Non-Secure Placement”- a community placement which is not locked and which allows for unsupervised movement in and out of the placement and allows youth to participate in various community activities, such as school, employment or other activities consistent with the youth’s Community Release Agreement.

“Probable Cause”- a reasonable belief that an event or action occurred or existed, or is likely to occur or exist.

“Secure Facility”- a locked residential placement which provides treatment and/or educational programs within the facility and does not allow for unsupervised movement within or outside of the facility.

“Youth/Family Team Meeting”- a group of individuals involved in the case planning and development of treatment and educational plans for the youth and family.

“Violation”- an act that is non-compliant with the terms of the Community Release Agreement.

Persons wishing to comment on this proposed rulemaking should submit their comments in writing to Attn: Adrienne Lord-Sorensen, Assistant General Counsel, Department of Youth Rehabilitation Services, 1000 Mount Olivet Road, N.E. 3rd Floor, Washington, D.C. 20002. All comments must be received by the Department of Youth Rehabilitation Services not later than fourteen (14) days after publication of this notice in the D.C. Register.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

NOTICE OF PROPOSED RULEMAKING

APPLICATION NO. 17972

The Board of Zoning Adjustment of the District of Columbia, pursuant to the authority set forth in section 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 286, D.C. Official Code § 6-1306), and the Zoning Regulations of the District of Columbia, hereby gives notice of its intention to approve, or in the alternative, disapprove, Application No. 17972, of the Kingdom of Sweden by the National Property Board, SFV (Statens Fastighetsverk), on behalf of the Embassy of Iceland, pursuant to 11 DCMR § 931.3, and Chapter 10, and § 206 of the Foreign Missions Act, 22 USC § 4306, to locate a chancery in excess of the permitted 2.0 floor area ratio limitation (section 931.3), in the W-2 District at premises 2900 K Street, N.W. (Square 1171, Part of Lot 82, including Lots 814, 7001 and 7002).

Final action on this application will be taken in not less than thirty days from the date of publication of this notice.

Written comments may be submitted to the Board of Zoning Adjustment through Richard S. Nero, Jr., Acting Director of the Office of Zoning, at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. Copies of this notice are available from the Office of Zoning. For further information, call the Office of Zoning at (202) 727-6311.